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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CARLOS VICTORINO, *et al.*

Plaintiffs,

v.

FCA US LLC,

Defendant.

Case No. 3:16-cv-01617-GPC-JLB

**ORDER GRANTING FCA US LLC’S
EX PARTE MOTION FOR LEAVE
TO AMEND BY INTERLINEATION
ITS OPPOSITION TO PLAINTIFFS’
AMENDED MOTION FOR CLASS
CERTIFICATION
[Dkt. No. 234.]**

Judge: Hon. Gonzalo P. Curiel

1 On April 30, 2018, Defendant FCA US LLC (“Defendant”) filed an *Ex Parte*
2 Motion for Leave to Amend by Interlineation its Opposition to Plaintiffs’ Amended
3 Motion for Class Certification [ECF #234]. After reviewing the *ex parte* motion,
4 and Plaintiffs’ opposition, and finding good cause therefore, the Court hereby
5 **GRANTS** Defendant’s *ex parte* motion. Defendant’s Exhibit S is hereby deemed
6 submitted, and Defendant’s Opposition (ECF #229) is hereby deemed amended so
7 that the following text found on page 17, lines 16-20 of the Opposition:

8 “Furthermore, and in any event, this Court must apply the implied
9 warranty laws of 50 different jurisdictions for a nationwide implied
10 warranty class, and the significant differences in these laws make clear
11 that predominance is lacking for a nationwide class. *See* FCA US’s
12 Motion for Application of Laws of 50 States, filed simultaneously
13 herewith.”

14 Is replaced with the following text:

15 “Even if the requirements of due process were satisfied, under the required
16 choice-of-law analysis this Court would have to consider whether the laws of
17 the 50 states differ, whether each state has an interest in applying its own
18 laws to class members’ claims, and which state’s interests would be more
19 impaired if its laws were not applied. *See, e.g., Andren*, 2017 WL 6509550
20 at *16. Applying this analysis, it is clear that application of the laws of 50
21 states is required because there are significant variations in the implied
22 warranty laws. *See* Exhibit S. These differences make clear that
23 predominance is lacking. *See, e.g., Andren*, 2017 WL 6509550 at *17; *see*
24 *also Zinser v. Accufix Research Inst.*, 253 F.3d 1180, 1187 (9th Cir. 2001);
25 *Gianino v. Alacer Corp.*, 846 F.Supp.2d 1096, 1103 (C.D. Cal. 2012); *Vinci*


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1 *v. Hyundai Motor Am.*, Case No. 8:17-cv-00997, ECF #44, pp. 7-13
2 (S.D.Cal. 2018).
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4 IT IS SO ORDERED.
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6 Dated: May 1, 2018

7 
8 Hon. Gonzalo P. Curiel
9 United States District Judge
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